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New York

President:	Mr. Rodríguez Giavarini	(Argentina)
Members:	Bangladesh	Mr. Chowdhury
	Canada	Mr. Fowler
	China	Mr. Shen Guofang
	France	Mr. Dejammet
	Jamaica	Miss Durrant
	Malaysia	Mr. Hasmy
	Mali	Mr. Ouane
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	Tunisia	Mr. Ben Mustapha
	Ukraine	Mr. Yel'chenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones

00-28703 (E)

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The meeting was resumed at 3.40 p.m.

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of Norway, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kolby (Norway), took the seat reserved for him at the side of the Council Chamber.

The President (*spoke in Spanish*): The next speaker inscribed on my list is Mrs. Sylvie Junod, head of the delegation of the International Committee of the Red Cross to the United Nations. I invite her to take a seat at the Council table and to make her statement.

Mrs. Junod (*spoke in Spanish*): First of all, I would like to thank you, Mr. President, as well as the members of the Council, for having invited the International Committee of the Red Cross (ICRC) to speak in this important debate.

(spoke in French)

The provision of protection and assistance to the victims of armed violence — which is the *raison d'être* of the ICRC — depends upon the existence of a minimum of security conditions for humanitarian personnel. That is why this subject is particularly close to our hearts. The deterioration of security conditions today raises a daily challenge to humanitarian action in numerous contexts. Like the protection of civilian populations, the protection of humanitarian personnel is linked to a number of legal and operational considerations that are to some extent the tools to be used in trying to meet this challenge.

Allow me briefly to outline, not exhaustively, the three major compartments of this toolbox: legal protection, the implementation of and respect for law and, lastly, the modalities for humanitarian action.

With regard to legal protection, it may be useful to recall that the Geneva Conventions of 1949 and their Additional Protocols contain basic rules for the protection of humanitarian personnel that are rooted in the principle of protecting civilian populations against the effects of hostilities. Civilians must be protected and respected in all circumstances. To this general immunity are added specific rules of protection covering individuals participating in impartial humanitarian assistance actions.

Moreover, the red cross and red crescent emblems confer special protection to medical facilities and personnel, be they military or civilian. As the Council is aware, these emblems, whose use is strictly governed by international humanitarian law, also protect the activities of the ICRC, as well as those of other components of the International Red Cross and Red Crescent Movement — in other words, national Red Cross and Red Crescent societies and their International Federation.

The Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly in 1994, has bridged certain gaps. Fresh thought is being given today to strengthening the protection it provides. In that exercise it will be important to take into account the relevant rules of international humanitarian law, a good part of which fall under customary law. The ICRC will be pleased to contribute its expertise on this subject and will follow this work with all the attention it deserves.

The law exists, however imperfect it may be. What remains to be done is to implement it.

The protection of humanitarian personnel requires concrete measures that States must enact in order to reduce the numerous violations of law and to put an end to the impunity of the perpetrators. Ratifying treaties, adopting national legislation to make possible the prosecution of war criminals and more effective dissemination of legal rules are all *sine qua non* conditions, as was emphasized repeatedly in this morning's debate. It is important and encouraging to recall in this regard that the Statute of the International Criminal Court specifically stipulates that it is a war crime to attack persons involved in humanitarian assistance operations.

The last aspect that I would like to touch upon is no less important, for it has to do with the modalities of humanitarian action, which can have a decisive effect on the security of humanitarian personnel. Effective humanitarian action must be conducted neutrally, impartially and independently. Rigorous respect for these

principles in such a way as to foster relations of trust with the parties to a conflict is a key factor for the security of humanitarian personnel. In order to gain a minimum level of trust, the ICRC attaches great importance to the establishment of a regular dialogue with all actors in the field so that its mandate, its role as neutral intermediary and the limits of its action can be clearly understood.

That approach, based on the acceptance of its presence by all the parties involved, has led the ICRC to be extremely prudent in taking measures of armed protection for its personnel; these are taken only in situations where there is a significant risk of banditry and when it is genuinely vital for the victims it seeks to reach.

The ICRC remains firmly convinced that humanitarian action must be clearly distinguished from the use of force. This position, which is well known, is also supported by a recent experience in which the ICRC was forced to withdraw from a region and to evacuate its representatives, whose security had been gravely jeopardized due to the use of armed escorts by another humanitarian organization that had chosen that option to protect its own personnel.

I would also like to point out that, as we understand it, a dialogue with all actors is not confined to the political or military authorities, be they legal or de facto; it is also a question of working transparently with all the other humanitarian organizations present.

Day-to-day cooperation between the members of the humanitarian community is another factor in reducing risks and in this connection I would stress the importance of the conduct of humanitarian personnel in the field, which requires not only professionalism, but also a thorough knowledge of the cultural context and customs. One can never overemphasize the value of advice from locally recruited personnel or the number of lives that such wise advice has saved.

In conclusion, I wish to note that the ICRC is thinking more and more in terms of preventive strategy through its network of regional delegations. In most cases, these have already been in place for several years when a crisis arises in a country, which allows us from the outset to benefit from the trust of being known, particularly through educational programmes on humanitarian law. Hence, we are in a position to respond first and speedily to the most urgent needs of the victims.

The President (*spoke in Spanish*): The next speaker on my list is the representative of South Africa. I invite him to take a seat at the Council table and to make his statement.

Mr. Kumalo (South Africa): We of the South Africa delegation wish to warmly congratulate Argentina for assuming the presidency of the Security Council. We are also happy to see the continued practice of open debates in the Security Council, which is an important part of the ongoing efforts to democratize it.

South Africa salutes those United Nations staff members and humanitarian personnel who have paid the ultimate price while bringing relief in conflict situations. It is deplorable and totally unacceptable that caregivers to the most vulnerable in conflict situations — namely women, children and the elderly — should have their lives taken so frequently and with such impunity.

The role that humanitarian personnel play during conflict situations is of immeasurable value. In many cases, particularly in Africa, such assistance represents the only means of survival for civilian populations affected by conflicts. In 1999, more than 700,000 people benefited from food aid in Somalia, while more than a million people are currently receiving such aid in Angola.

Yet, millions more remain in dire need, as they will not receive even this basic level of assistance due to the unacceptable threats faced by United Nations and humanitarian personnel. Frequent attacks on and the killing of humanitarian personnel in Somalia are preventing food assistance from reaching an estimated 65,000 people in dire need. The criminal actions of armed groups in that country are also disrupting vaccination campaigns against polio. In Angola, at least 700,000 internally displaced persons go without food and shelter.

We are convinced that no one benefits from such criminal actions. Civilians may be the immediate victims, but Government and non-state actors alike suffer in the long run when humanitarian assistance is suspended. For example, the brutal murder in October last year of two United Nations officials in Burundi severely curtailed humanitarian assistance in that country and the prevailing insecurity continues to do so.

It is clear from these examples that the suffering of civilian populations is exacerbated when United Nations and humanitarian personnel are not protected. Killings,

attacks and harassment of United Nations and humanitarian personnel are therefore tantamount to waging war on unarmed civilians. For this reason, the protection of such personnel requires urgent attention.

My delegation strongly supports the Secretary-General's recommendation, contained in his report S/1999/957 of last year, that civilian populations should have unimpeded access to humanitarian assistance. Realizing this goal should be the Council's first order of business when addressing any new or existing conflict. It is imperative to obtain firm guarantees from state and non-state parties for the safety of United Nations and humanitarian personnel, even if this requires the imposition of targeted sanctions.

It is important to remind ourselves that the primary responsibility for the protection of United Nations and humanitarian personnel lies with the host Government. Non-state parties should similarly protect such personnel, in line with the provisions of international humanitarian law. The Council should also promote the wider acceptance of the Convention on the Safety of United Nations and Associated Personnel. In this regard, my delegation further supports the recommendation by the Secretary-General that efforts be initiated to extend the scope of the Convention.

We welcome the classification of intentional attacks against humanitarian personnel as war crimes under the Statute of the International Criminal Court. South Africa is actively participating in the establishment of the International Criminal Court, which we believe will further promote the protection of United Nations and humanitarian personnel.

My delegation strongly believes that a distinct division should be maintained between humanitarian actions and efforts to secure political settlements. Only by maintaining the impartial nature of humanitarian personnel and the assistance they provide can continued relief be ensured to those who need it most.

Millions of people affected by conflict rely on United Nations and humanitarian personnel for their daily existence. If we do not protect these personnel, we will be failing them, the people who depend on them, as well as our own humanity in which we pride ourselves.

The President (*spoke in Spanish*): The next speaker on my list is the representative of Uruguay. I invite him to take a seat at the Council table and to make his statement.

Mr. Pérez-Otermin (Uruguay) (*spoke in Spanish*): At the outset, I wish to congratulate the sister Argentine Republic in the person of its Minister of Foreign Affairs, International Trade and Worship, Mr. Adalberto Rodríguez Giavarini, who has honoured us by presiding over this open meeting. I wish him every success in guiding it.

I also wish to express my appreciation for the statements made by Deputy Secretary-General Louise Fréchette; Ms. Bertini, Executive Director of the World Food Programme; and Mrs. Junod, head of the delegation of the International Committee of the Red Cross to the United Nations. These statements were very enlightening and will certainly be most useful to us as we pursue the objectives of this meeting.

Uruguay has a long tradition of supporting peacekeeping in the community of nations. We were present at peacemaking efforts before the Organization even existed. True to our heritage and vocation for peace, our country has participated in various missions, offering military observers, members of military staff, police officers and contingents numbering approximately 10,000 men sent to the furthest corners of the planet.

We believe that in the century that has just begun, as in the past one, it will be the human factor that determines the success of future undertakings. Human beings are the source and users of new technologies, structures and processes; human beings — especially those who throughout history have made a difference — are responsible for blazing trails and opening horizons.

The protection of United Nations personnel, associated personnel and humanitarian personnel is the subject that brings us together today and that concerns us. This subject is becoming increasingly important, given the increasing dangers encountered in areas where such personnel are sent to do their work to maintain peace.

While it is a fact that more civilians have lost their lives in recent conflicts, it is also true that military observers and police on the ground have had to assume risks for which the United Nations does not have sufficient capacity to prepare for in advance. Very often certain bureaucratic practices led to situations that have in turn led to an inability to secure air- transport services and that have resulted in unfortunate deaths. Uruguay has suffered the loss of several compatriots who were serving in peacekeeping operations, and thus we are inscribed on the list of countries that have paid the highest cost in

situations in which security shortcomings have been the principle cause of death.

On 3 September 1999 my country ratified the Convention on the Safety of United Nations and Associated Personnel, which was adopted in 1994 by the General Assembly and which entered into force one year ago. This is a major step, but the international community must provide even greater support to such initiatives. We urge Member States that have not yet ratified the Convention to do so as soon as possible.

Other practical measures should be taken to broaden the United Nations capacity to deal with this issue of crucial importance. The Office of the United Nations Security Coordinator must be assigned more staff to deal with security issues in peacekeeping operations.

For reporting incidents involving the safety of peacekeeping personnel, the Secretariat has established a system for prompt consultation with the permanent missions in New York of troop-contributing countries. We encourage the Secretariat to continue this effort, because we believe that this is the best possible mechanism and should be continued and not be considered as an attempt at micro-management of these situations.

The fact that the report prepared by the Situation Centre, which until recently was distributed only to members of the Security Council, is now available to the countries who are involved in the peacekeeping operations is a very important contribution to the management of situations in which security and related problems endanger personnel which the contributing countries have placed at the service of the United Nations. The improved dissemination of this report was a long-standing demand that my delegation steadily reiterated, and we appreciate that this approach has now been instituted.

We also regard the meetings of the presidency of the Security Council with troop-contributing countries as very useful. This is already an established and routine practice, an essential contribution to the successful management of peacekeeping operations.

Without a doubt, much remains to be done to improve the security conditions in peacekeeping operations, and in this regard prior training is essential. Uruguay, through its training school for peacekeeping operations, located in Montevideo, is making significant efforts in this area, and we have already invited other States to attend the courses being given there. This training is crucial — today more than ever — given that the most recent kind of peacekeeping operations involves multidisciplinary efforts, in which the protection of civilians in armed conflicts is a top priority, in view of the alarming number of deaths that have been recorded.

We hope that this special meeting will help to once again call attention to the need to ensure that during their important missions United Nations personnel, associated personnel and contracted humanitarian personnel are provided with special protection — protection befitting the importance of the mandates they are being given. This protection will be even more difficult to achieve if the necessary resources are not available. Therefore, more than ever it is essential that States shoulder their responsibilities vis-à-vis this Organization in accordance with their role here in the concert of nations.

The President *(spoke in Spanish)*: I thank the representative of Uruguay for the kind words he addressed to me.

The next speaker is the representative of Australia. I invite her to take a seat at the Council table and to make her statement.

Ms. Wensley (Australia): I would like to extend the Australian delegation's appreciation to you and to Argentina for bringing this issue before the Security Council. It continues the important debate begun a year ago under Canadian leadership on the related question of the protection of civilians in armed conflict.

It is a deeply disturbing truth that United Nations personnel and humanitarian workers have increasingly become the targets of violence. It seems that the principles of neutrality and impartiality, the provisions of international humanitarian law and the emblems of the United Nations and of the Red Cross and the Red Crescent are simply no longer sufficient to assure the safety of international humanitarian workers and organizations.

As we have heard so frequently today, this last year has seen an alarming number of attacks on United Nations and humanitarian personnel. Australians have been among those who have suffered, and in two cases — most notably in Angola — have lost their lives. In Australia these casualties have created significant public interest in the issue that the Council is discussing today, as did another case, that of the three CARE Australia aid

workers who were imprisoned in the Federal Republic of Yugoslavia.

What happened to those three raised many disturbing questions and, we believe, merits very close examination for the lessons that might be drawn for the future, so as to help avoid the same thing happening to other humanitarian workers. I have not got time to go into the details; the case has been well documented. Steve Pratt, Peter Wallace and Branko Jelen spent a combined total of 19 months in prison on charges of espionage which the Australian Government and which CARE maintains were manifestly false. This was these men's reward for working under extraordinarily trying conditions to attend to the suffering of ordinary people all over Yugoslavia. They had left behind their families and their friends; they had taken on the risks and the hardships inherent in working in a conflict environment because they were committed to the principles and the goals of humanitarian assistance. They are representative of hundreds of thousands of individuals around the world committed to helping others.

Those three are now in Australia, back with their families, and have begun new lives. But their release came about only as a result of protracted diplomatic activity and pressure. I would like to take this opportunity publicly to record Australia's gratitude to the Secretary-General, the Deputy Secretary-General and many of their colleagues in the United Nations — particularly in the Office for the Coordination of Humanitarian Affairs (OCHA) — for their unflagging support, practical and political, which was central to the effort to get Pratt, Wallace and Jelen released. While their capture and imprisonment must have disturbed all humanitarian workers around the world — and must indeed have deterred some from taking up this calling — many others must at the same time have drawn reassurance from the determination and the perseverance with which the United Nations and the international community fought for these men's release.

I have talked a little bit about this because I think it is important to put a practical face on the rhetoric of our discussions. It is just one of many cases that underline the seriousness of the issue and, above all, the need for concerted effort by the international community to strengthen the protection of United Nations and humanitarian personnel. It is a challenge that we think should be tackled through a combination of measures.

Responsibility for ensuring the safety of United Nations and humanitarian personnel rests, first and foremost, with Governments within whose jurisdiction humanitarian activities are taking place. Governments should recognize and respect the independence and the impartiality of United Nations personnel and humanitarian workers and allow them to operate without threat or hindrance. States must guarantee immunity and protection, according to the law, and provide whatever physical protection and assistance possible. In this respect, States perhaps need to be well informed about the realities of contemporary aid workers. One of the reasons that Pratt, Wallace and Jelen got into trouble was that they were carrying sophisticated equipment that international humanitarian agencies use today as a matter of course — sophisticated maps, sophisticated wireless, sophisticated systems — that made them objects of suspicion. I think that is one of the lessons we should be drawing and thinking about as we move forward in this debate.

Governments must also denounce — and denounce strongly — attacks against United Nations personnel and humanitarian workers and take all measures to bring perpetrators of violence to justice. Impunity, as so many of my colleagues have emphasized in this discussion, cannot be allowed. Practical measures can be taken by Governments to promote understanding and observance of international humanitarian law within their own communities, especially among military and security forces, but also among civilian populations, including by disseminating information about international humanitarian law. It is a coincidence, but today there is an important seminar taking place on this very subject elsewhere in New York, emphasizing that United Nations and humanitarian workers must also be properly trained about their responsibilities. Building a spirit of partnership between international personnel and local governments and communities can also be a particularly crucial ingredient in averting tensions and threats.

Of course, many measures that may seem simple to implement in stable communities are far more difficult in zones of conflict. Absence of effective central Government control or military command has been a feature of a number of recent, and current, conflicts in which United Nations and humanitarian personnel have been threatened or killed. The nature of international peacekeeping, much of which now has a large humanitarian component, blurs the distinction between enforcement action and humanitarian work.

To minimize these risks, the Security Council should ensure that appropriate plans are in place as part of peacekeeping operations to ensure the proper

protection of humanitarian personnel. It is for this reason that Australia supports the use of Chapter VII authority to ensure the protection of United Nations personnel where this is warranted, as we did, for example, in the case of recent Security Council resolutions for the International Force in East Timor and the United Nations Transitional Administration in East Timor. The authority of the United Nations and the Security Council must be brought fully to bear when violence is committed or threatened against United Nations staff or personnel of legitimate humanitarian organizations.

The importance of international humanitarian law in protecting United Nations and humanitarian workers has been referred to by almost everyone in this debate and cannot be overstated. The international community must make efforts to strengthen those protections already provided for, in particular the 1994 Convention on the Safety of United Nations and Associated Personnel, to which the Deputy Secretary-General referred in her statement at the beginning of the debate this morning. My own Government signed this Convention in December 1995 and is currently in the process in our federal system — and it is quite laborious — of enabling its ratification. Subject to our parliamentary and federal system processes, the necessary legislation is expected to be passed later this year, with the aim of full ratification by the end of 2000. We strongly urge Member States that have not already done so to take the necessary steps to ratify this basic and very important Convention.

The enforcement of international humanitarian law must also be strengthened in order to bring those responsible to justice and to send a clear message of the international community's intolerance of this violence. Intentionally attacking humanitarian personnel who are legitimately going about their business is a war crime, and has been specifically codified as such in the Statute of the International Criminal Court (ICC). We support the ICC as a powerful instrument for bringing to justice perpetrators of crimes against humanitarian personnel, as well, obviously, as perpetrators of other war crimes and crimes against humanity. The ICC will do this not only by providing a mechanism for the investigation and prosecution of such crimes where no State is able to do so, but also through the imperative that it will place on States, through the complementarity regime, to investigate and prosecute such crimes themselves. Even more important, we believe, will be the deterrent effect of this interlocking of national and international jurisdictions. We therefore consider, as an important part of these several measures that the international community could take on this subject, that States should be urged to begin their domestic processes for ratification of the ICC Statute to ensure its early entry into force.

Much more still can and must be done to improve protection for United Nations and humanitarian personnel. Argentina's initiative in convening this debate, in our view, will greatly assist the Council and Member States to consider further how to deal with this issue. We appreciate the earlier report that was provided by the Secretary-General on the related issue, and we very much look forward to the follow-up report of the Secretary-General, which, we are very confident, will give us more valuable ideas.

The President (*spoke in Spanish*): I thank the representative of Australia for the kind words she addressed to the presidency.

The next speaker is the representative of Slovenia. I invite him to take a seat at the Council table and to make his statement.

Mr. Žbogar (Slovenia): I first want to congratulate you, Sir, on your assumption of the presidency of the Council for the month of February. I also want to commend you for taking the initiative on this issue of the protection of United Nations and associated personnel and humanitarian workers in conflict zones. Since we had the privilege of serving with your delegation in this body last year, and since we know Argentina's principled and consistent position regarding human rights and humanitarian issues, your initiative came to us as no surprise.

My delegation associates itself fully with the statement by the European Union presented earlier by the Ambassador of Portugal.

We listened with interest to the comments of the Deputy Secretary-General this morning on the steps that the United Nations Secretariat is undertaking to improve security procedures. We also took note of her comments referring to action that is needed and the support that the Secretariat expects from the Member States. We also appreciate the contributions to today's debate made by the Executive Director of the World Food Programme and by the head of the delegation of the International Committee of the Red Cross.

At the outset, my delegation wants to pay tribute to the courage and dedication of all United Nations and

associated personnel and humanitarian workers, and particularly to all those who have lost their lives or suffered otherwise while serving the United Nations and the noble ideal of humanitarianism.

The issue of protecting the protectors deserves a prominent place on the agenda of the Security Council. The nature of armed conflicts has changed, and civilians are often deliberate targets of attacks. Consequently, humanitarian workers are perceived as an impediment to achieving political or military objectives of the parties to a conflict. Arrests, criminality, hostage-taking, attacks, injuries, killings and prosecution on espionage charges are no coincidence but are rather the reaction of belligerent parties to the presence of undesirable witnesses to grave violations of human rights and international humanitarian law. As the Secretary-General stated in his report on the protection of civilians in armed conflict,

> "The protective emblem of the International Red Cross as well as the Red Crescent, and the United Nations flag, which represent the impartiality of relief workers, appear to offer less protection than ever." (*S/1999/957, para. 21*)

Or as Ms. Bertini of the World Food Programme said this morning, the United Nations flag is a target rather than a shield.

The responsibility of the Security Council remains a key element in the response of the international community to humanitarian crises. A lesson re-learned in the past few years is that prevention is better than cure. The Council should as a rule engage itself at an early stage of an emerging conflict. We are encouraged by the presidential statement adopted on 30 November 1999 showing the Council's resolve to give more attention to preventive action, and we are looking forward to the first periodic report of the Secretary-General on prevention.

Preventive action, while preferable, is not always possible, and the challenges of protecting humanitarian action in conditions of active armed conflict need to be dealt with. In such cases, timeliness and adequacy of response to emerging conflicts are crucial criteria for judging the effectiveness of the Council. In this context, we are encouraged by the draft presidential statement to be read out later, which will reflect the Council's reiterated preparedness to take further measures at its disposal.

The mandates and objectives of peacekeeping missions have to be clearly defined and supported in order for them to be successful: Lessons on the need to define a clear line between peacekeeping and peace enforcement have been learned by the United Nations the hard way. As we heard today, mandates should also include special provisions regarding the security and safety of United Nations and associated personnel and humanitarian workers.

While it is necessary that humanitarian activities, especially those carried out by the International Committee of the Red Cross and non-governmental organizations, remain independent and that the "humanitarian space" be respected, it remains equally important that the humanitarian aspects of a United Nations operation be properly placed within a comprehensive approach which includes political, military and humanitarian aspects. Humanitarian action is meant to save lives and alleviate the suffering of the civilian population. It cannot be a substitute for necessary political action aimed at tackling the roots of the crisis.

States have the primary responsibility to ensure the safety and security of all personnel. The Security Council for its part should insist on the responsibility of all parties to a conflict to respect international humanitarian law, and should take appropriate action in that regard. Attacks against such personnel clearly represent breaches of norms of international law. Every incident must be fully investigated, and the perpetrators must be brought to justice. And yet the Deputy Secretary-General presented the Council this morning with the astounding fact that since 1992 only two persons have been brought to justice and convicted. Such a culture of impunity must not be allowed to prevail.

We welcome the inclusion of attacks against humanitarian personnel among the crimes falling within the jurisdiction of the International Criminal Court. We also welcome the entry into force of the Convention on the Safety of United Nations and Associated Personnel. At the same time, we recognize the need to explore ways to address the scope of the Convention and its extension to cover all situations in which United Nations and associated personnel, including national staff, are deployed, and of ensuring its implementation by non-State actors.

We are pleased to see that today's open debate has focused exclusively on the question of the protection of United Nations personnel, associated personnel and humanitarian personnel. The Security Council has itself on many occasions addressed this problem when dealing

with country-specific situations, as well as with generic topics. In addition, we would recommend that the Council engage in a direct dialogue with humanitarian agencies and organizations, including non-governmental organizations, on the issue of protection of their personnel. We would also particularly like to point to the close link between the subject under discussion today and the Council's consideration of the comprehensive issue of protection of civilians in armed conflict, as well as the concept of human security. We look forward to future consideration of all these issues in the Council and in other United Nations bodies.

Let me conclude by expressing Slovenia's full support for all efforts aimed at creating safer conditions for the work of United Nations personnel, associated personnel and humanitarian personnel.

The President (*spoke in Spanish*): I thank the representative of Slovenia for the kind words he addressed to the presidency.

The next speaker is the representative of New Zealand. I invite him to take a seat at the Council table and to make his statement.

Mr. Powles (New Zealand): May I begin, Sir, by congratulating you on your decision to hold this open debate on a subject which remains one of most important facing Member States. Let me say also that it is a particular pleasure to appear under your presidency, given the close collaboration, going back many years, between our two delegations on Security-Council-related matters.

Like others, we welcomed very much the thoughtful contributions of the Deputy Secretary-General and of Ms. Bertini at the outset of the debate this morning.

Three weeks ago in this Chamber many of us watched with astonishment videotaped testimony from a former UNITA guerrilla to the effect that the shooting down of two United Nations aircraft in Angola in December 1998 and in January 1999 had been deliberately ordered. That video recording was, of course, part of the report made by Ambassador Fowler to the Council on his visit to Angola in his capacity as Chairman of the Committee established under Security Council resolution 864 (1993).

The two C-130 aircraft were carrying a total of 23 staff of the United Nations Observer Mission in Angola. The premeditated destruction of those aircraft would be one of the most flagrant crimes against this Organization and its personnel ever recorded. According to the evidence presented on the videotape, the soldier who fired the missile on each occasion was promoted as a result. We hope that the evidence brought back by Ambassador Fowler is thoroughly studied. It is essential that the perpetrators be brought to justice, however long it takes. There can be no impunity for crimes of such a nature.

In recent months Member States have also endured the murders of staff members of the United Nations Children's Fund and the World Food Programme in Burundi and the savage death of a United Nations official in a public place in Pristina, Kosovo.

The Convention on the Safety of United Nations and Associated Personnel, which my own country and Ukraine had a lead role in developing in 1994 and which, of course, New Zealand ratified some time ago, offers a framework for dealing with some of these crimes. But the protections offered by that instrument will remain fragmented in their application until many more States have become party to it. Furthermore, perhaps its scope does not go far enough. The categories of United Nations operation that the Convention covers are somewhat narrow. Recent examples of brutal violence in East Timor against personnel of the United Nations Mission in East Timor illustrate the scope for possible broadening of the United Nations operations covered. Additionally, the Convention, crucially important as it is, does not accommodate humanitarian workers not specifically tied into a United Nations operation. This currently poorly protected group is in need of strengthened protection under international law. We are sympathetic to the elaboration of a protocol to extend the range of protection afforded by the Convention.

In this context, the inclusion of deliberate attacks on personnel involved in a humanitarian situation or peacekeeping mission in the Rome Statute as a war crime over which the International Criminal Court will have jurisdiction is a welcome step forward and an acknowledgement of the seriousness of the plight faced by personnel in these situations. We hope that the Court will provide an effective forum for enforcing those protections which currently exist under international humanitarian law, and that it will contribute towards ending the impunity enjoyed by perpetrators of such attacks in the past.

There is a particular category of United Nations staff to whose needs I wish to draw attention today. They

are those staff who are often locally recruited for a United Nations mission in a wide range of disciplines, depending on the needs of the particular mission, and include interpreters, drivers, clerks, cleaners and others. Recent experience in East Timor, in particular, showed that such people can become principal targets for violence because of their association with the United Nations. We believe that more must be done to ensure their protection, including their better integration into security planning for missions.

In conclusion, we are glad the Council is seized once again of this important issue, and we look forward to solid outcomes from this debate.

The President (*spoke in Spanish*): I thank the representative of New Zealand for the kind words he addressed to the presidency.

The next speaker is the representative of Norway. I invite him to take a seat at the Council table and to make his statement.

Mr. Kolby (Norway): There is an acute need for enhanced protection of United Nations and associated personnel and humanitarian personnel. There has been an increasing number of violations of the security of humanitarian personnel in recent conflicts, including in the Sudan, Kosovo, Chechnya, Burundi and elsewhere. Norway therefore welcomes the initiative of Argentina, and the presence here today of the Argentine Foreign Minister.

In our view, it is essential that the United Nations and the international community remain seized of the challenging task of increasing respect for international humanitarian law and contributing to ensuring the protection of civilians in armed conflict. This requires compliance with the essential principles and rules of conduct of armed conflicts, including, *inter alia*, the Geneva Conventions of 1949 and their Additional Protocols of 1977. Concrete measures must be taken. The Norwegian Government welcomes resolution 1265 (1999), adopted by the Security on 17 September last year, addressing the importance of safe and unhindered access for humanitarian personnel to civilians in armed conflicts and the establishment of a process to consider further appropriate steps as a follow-up to the report of the Secretary-General.

Within this context, the safety of United Nations and associated personnel and humanitarian personnel is a critical issue. The Norwegian Government worked actively for the adoption of the Convention on the Safety of United Nations and Associated Personnel, and we are a party to the Convention. That Convention represents a major contribution to the safety of United Nations and associated personnel and humanitarian personnel. Its entry into force on 29 January last year was an important step forward. However, in order to make it an effective tool for enhancing the protection of United Nations and associated personnel, more States need to commit themselves to the Convention. Norway is encouraging other States to ratify and implement this important instrument, and supports the decision by the General Assembly last year to request the Secretary-General to submit by May this year a report containing analysis and recommendations addressing the scope of legal protection under the Convention. Norway has also contributed to the Trust Fund for Security of United Nations personnel in order to support training and enhanced security management.

It should be recalled that under international law, the primary responsibility for the security and protection of United Nations and associated personnel lies with the Government hosting a United Nations operation, conducted under the United Nations Charter or in accordance with agreements with the relevant organization. States need to hold States as well as non-State actors accountable for their attacks on humanitarian workers operating in territory under their control. The Secretary-General referred to this aspect in the statement he made in May last year in The Hague, referring to accountability for "every militia guilty of crimes against our common humanity."

The Norwegian Government actively took part in the process leading towards the adoption of the Statute of the International Criminal Court. Two weeks ago, on 27 January, the Norwegian Parliament gave its approval to Norwegian ratification of the Rome Statute of the International Criminal Court. We urge all Governments to make an extra effort with a view to ensuring, through their early ratification of the Rome Statute, the establishment of the International Criminal Court without further delay.

The Norwegian Government is pleased that attacks against United Nations and associated personnel and humanitarian personnel are included in the list of war crimes under article 8 of the Statute. When established, the Court will play an important role in bringing to justice those responsible for serious violations of international humanitarian law. At this stage, our main priority must be to ensure the final establishment of the Court, which presupposes 60 ratifications.

We would also like to mention the question of the applicability of international humanitarian law in United Nations peacekeeping operations. Norway supports the general idea of guidelines for peacekeepers. However, Norway is of the view that the guidelines published by the Secretariat in the Secretary-General's Bulletin need further study and consultation before they are ripe for implementation in peacekeeping operations.

Finally, Norway pays tribute to those who have given their lives in the service of peace, and my country remains committed to working towards a safer environment for United Nations and associated personnel and humanitarian personnel.

The President (*spoke in Spanish*): The statement made at the beginning of the meeting today by the Deputy Secretary-General certainly set the tone for our very interesting and useful debate. As we near the end of the meeting, I should like to ask the Deputy Secretary-General, Ms. Louise Fréchette, to make a few comments.

The Deputy Secretary-General: First of all, let me reiterate our gratitude to you, Mr. President, for placing this item on the agenda of the Council. It is clear from all the statements that have been made today that we all share the same deep sense of concern over the multiplication of grave incidents — deliberate attacks against United Nations and humanitarian workers.

Many delegations — most delegations, I think — have reaffirmed a number of very important principles: that the primary responsibility for the safety of United Nations and other humanitarian workers rests with the Governments of the countries in which we are operating; that the perpetrators of attacks against United Nations and humanitarian personnel must be brought to justice; and that the impartiality and neutrality of humanitarian agencies and humanitarian workers must be protected.

I very much welcome the commitment of the Security Council increasingly to factor into its decisions the security dimensions of its mandates, as exemplified by the draft presidential statement that the Council will be adopting shortly. I noted with great satisfaction that many speakers again supported the notion of the need to strengthen the international legal framework for the protection of United Nations and humanitarian workers. I also noted with great pleasure that a number of countries have initiated the process of ratification, and that we can hope to see a good number of new ratifications coming about in the near future.

As well, I have noted that many countries have indicated interest in seeing whether the scope of application of this Convention could be enlarged. Also, there were many positive references to the important role that the International Criminal Court would play in this matter once it enters into operation.

I welcome very much the support expressed by most speakers for the number of concrete measures that Catherine Bertini and I mentioned in our presentations, particularly training, and the recognition by many speakers that to implement some of these measures, resources will have to be provided.

Let me say in passing, Mr. President, that we appreciate very much the contribution that you have announced today to the trust fund that was set up a couple of years ago for the purpose of providing for security of United Nations staff.

I believe the next step in the consideration of these very important issues will be the comprehensive report that the Secretary-General will issue on the protection of United Nations and associated personnel and humanitarian personnel. Many of you have invited us to come forward with concrete proposals, and I can assure you that we will do that.

Let me finally say, in the name of Catherine Bertini and all our colleagues in the United Nations system, that we appreciate very much the moving tributes that you have all paid to our colleagues who have fallen victim in the course of their duty as United Nations and humanitarian workers. I think you will all agree that we must move beyond words to concrete actions so that, in the words of one of the speakers today, today's heros do not become tomorrow's victims.

The President (*spoke in Spanish*): I would like to thank the Deputy Secretary-General very much for her remarks and for her contribution.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council is gravely concerned at continued attacks against United Nations and associated personnel, and humanitarian personnel, which are in violation of international law including international humanitarian law.

"The Security Council recalls its resolution 1265 (1999) of 17 September 1999 and reaffirms the statements of its President of 31 March 1993, on the safety of United Nations forces and personnel deployed in conditions of strife (S/25493); of 12 March 1997, on condemnation of attacks on United Nations personnel (S/PRST/1997/13); of 19 June 1997, on the use of force against refugees and other civilians in conflict situations (S/PRST/1997/34); and of 29 September 1998, on protection for humanitarian assistance to refugees and others in conflict situations (S/PRST/1998/30). The Council also recalls General Assembly resolution 54/192, on the safety and security of humanitarian personnel and protection of United Nations personnel.

"The Security Council also recalls the report of the Secretary-General on the strengthening of the coordination of emergency humanitarian assistance of the United Nations, and its addendum on the safety and security of humanitarian personnel and protection of United Nations personnel (A/54/154 and Add.1), and looks forward to the report of the Secretary-General pursuant to resolution 54/192 of 17 December 1999, to be submitted to the General Assembly in May 2000, which should contain a detailed analysis and recommendations addressing the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel of 1994.

"The Security Council notes with satisfaction the entry into force of the Convention on the Safety of United Nations and Associated Personnel, recognizes its importance for addressing the security of such personnel and recalls the relevant principles contained therein. The Council encourages all States to become party to, and respect fully their obligations under, the relevant instruments, including the 1994 Convention referred to above.

"The Security Council recalls that, on a number of occasions, it has condemned attacks and the use of force against United Nations and associated personnel, and humanitarian personnel. It strongly deplores the fact that incidents of violence have continued, leading to a rising toll of casualties among United Nations, associated and humanitarian personnel. The Council strongly condemns the acts of murder and various forms of physical and psychological violence, including abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention to which such personnel have been subjected, as well as acts of destruction and looting of their property, all of which are unacceptable.

"The Security Council also recalls that the primary responsibility for the security and protection of United Nations and associated personnel, and humanitarian personnel, lies with the host State. The Council urges States and non-State parties to respect fully the status of United Nations and associated personnel, and to take all appropriate steps, in accordance with the purposes and principles of the Charter of the United Nations and the rules of international law, to ensure the safety and security of United Nations and associated personnel, and humanitarian personnel, and underlines the importance of unhindered access to populations in need.

"The Security Council urges States to fulfil their responsibility to act promptly and effectively in their domestic legal systems to bring to justice all those responsible for attacks and other acts of violence against such personnel, and to enact effective national legislation as required for that purpose.

"The Security Council will continue to stress in its resolutions the imperative for humanitarian assistance missions and personnel to have safe and unimpeded access to civilian populations and, in this context, is prepared to consider taking all appropriate measures at its disposal to ensure the safety and security of such personnel.

"The Security Council welcomes the inclusion as a war crime in the Rome Statute of the International Criminal Court, of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission as long as they are entitled to the protection given to civilians under the international law of armed conflict, and notes the role that the Court could play in bringing to justice those responsible for serious violations of international humanitarian law.

"The Security Council expresses the view that improving the security of United Nations and associated personnel, and humanitarian personnel, may require, *inter alia*, the development and strengthening of all aspects of the current safety

and security regime in place, as well as the adoption of effective action to address the impunity of those who commit crimes against such personnel.

"The Security Council recognizes the importance of issuing clear, appropriate and feasible mandates for peacekeeping operations, to ensure that they are applied in a timely, efficient and objective manner, and of ensuring that all new and ongoing United Nations field operations include appropriate modalities for the safety and security of United Nations and associated personnel, and humanitarian personnel. The Council underscores that United Nations personnel have the right to act in self-defence.

"The Security Council encourages the Secretary-General to complete the process of conducting a general and comprehensive review of security in peacekeeping operations, with a view to elaborating and undertaking further specific and practical measures to increase the safety and security of United Nations and associated personnel, and humanitarian personnel.

"The Security Council considers it important that a comprehensive security plan be developed for every peacekeeping and humanitarian operation and that, during early elaboration and implementation of that plan, Member States and the Secretariat cooperate fully in order to ensure, *inter alia*, an open and immediate exchange of information on security issues.

"The Security Council, bearing in mind the need to reinforce the responsibility of the host State for the physical security of United Nations and associated personnel, also underlines the importance of including in each status-of-forces agreement and status-of-missions agreement specific and practical measures based on the provisions of the Convention on the Safety of United Nations and Associated Personnel of 1994.

"The Security Council recalls the obligations of all United Nations personnel and associated personnel, and humanitarian personnel, to observe and respect the national laws of the host State in accordance with international law and the Charter of the United Nations.

"The Security Council believes it is essential to continue to strengthen security arrangements, to improve their management, and to allocate adequate resources to the safety and security of United Nations and associated personnel, and humanitarian personnel."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2000/4.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4.55 p.m.